1653

PATENT
Attorney Docket No. 6056-260

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:
Keith R. McCrae

Serial No.: 09/461,061

Filed: December 15, 1999

Group Art Unit: 1653

Examiner: H. Robinson

For: **INHIBITION OF ANGIOGENESIS BY HIGH MOLECULAR WEIGHT KININOGEN DOMAIN 3 PEPTIDE ANALOGS**

RESPONSE TO RESTRICTION REQUIRMENT

Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the office action mailed March 15, 2002. Claims 1-8 and 12-49 are pending in the application. Applicant elects Group I (claims 1-8, 12-24 and 46-48), as those claims relate to SEQ ID NOS: 1-4. This election is made with traverse.

Claim 1 defines a genus of pharmaceutical compositions comprising compounds which share the common "core" sequence SEQ ID NO:1. The peptides SEQ ID NO: 9 (grouped by Examiner in Group III) and SEQ ID NO: 10 (not grouped by Examiner in any pharmaceutical composition grouping) contain SEQ ID NO:1 and are therefor properly species of the generic invention of claim 1. Thus, reconsideration is respectfully requested to the extent Examiner's grouping of sequences has failed to indicate that pharmaceutical compositions containing the SEQ ID NOS: 9 and 10 peptides (claims 6 and 7) fall within Group I.

Examiner has grouped the core sequence of claim 15, i.e., SEQ ID NO: 22, into Group III. Thus, it is understood that the genus of claim 15, (the generic sequence X_5-Leu-Asp-X_7-

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

BY Noemi Rivera

DATE: April 12, 2002

Examiner has grouped the core sequence of claim 15, i.e., SEQ ID NO: 22, into Group III. Thus, it is understood that the genus of claim 15, (the generic sequence X_5-Leu-Asp-X_7-SEQ ID NOS: 22-X_6), must also be contained in Group III, since the generic sequence subsumes SEQ ID NO: 22.

This being the case, Examiner should have indicated that sequence SEQ ID NO: 12 also falls within Group III, since that peptide (claim 19) is a species within the generic invention of claim 15. Reconsideration is respectfully requested, to the extent Examiner's grouping of sequences has failed to place a pharmaceutical composition of SEQ ID NO: 12 within Group III.

It is further respectfully submitted that claim 1, in the form presently pending, defines a unitary invention capable of full examination in a single application. The same is true of the full scope of claim 24, directed to a method of inhibiting angiogenesis by administering the pharmaceutical composition of claim 1.

In conclusion, applicant elects Group I for immediate prosecution. However, the requirement of restriction is traversed to the extent that less than the full scope of claim 1, and its dependent claim 24, would be maintained for examination.

Respectfully submitted,

KEITH R. McCRAE

By: _____

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